GUIDELINES FOR SENATE BILL 40 WILDLIFE CERTIFICATION DEVELOPED AND AGREED UPON BY THE COLORADO DIVISION OF WILDLIFE AND THE COLORADO DEPARTMENT OF TRANSPORTATION (January 2003)

I. INTRODUCTION

Senate Bill 40 (33-5-101-107, CRS 1973 as amended) requires any agency of the state to obtain wildlife certification from the Colorado Division of Wildlife (DOW) when the agency plans construction in "...any stream or its bank or tributaries...". Although Senate Bill 40 (SB40) emphasizes the protection of fishing waters, it does acknowledge the need to protect and preserve all fish and wildlife resources associated with streams in Colorado. The purpose of these guidelines is to clarify when SB40 certification is required and to describe the procedures to be followed by the Colorado Department of Transportation (CDOT) in securing this certification.

Since its adoption in 1969, SB40 has been subject to many interpretations that in some cases has resulted in adverse impacts to fish and wildlife. Today, public awareness of the values of the entire stream ecosystem, including wetlands and riparian areas, demands a more consistent approach and a more efficient procedure in the administration of SB40. These guidelines are intended to meet these demands while carrying out the legislative intent. They were prepared with the assistance of the CDOT for use on state transportation construction projects and maintenance activities. However, other state agencies may find them useful in developing their own SB40 Guidelines.

The guidelines are divided into seven sections: 1) Introduction; II) Jurisdiction of SB40; III) Procedures for Requesting SB40 Certification; IV) Programmatic SB40 Certification; V) General Conditions; VI) Special Conditions; VII) SB 40 Field Review, and VIII) Conclusion. Sections II and III define which streams are jurisdictional and describe the procedures for requesting certification. Section IV describes the programmatic certification procedures for project impacts that are relatively minor and easily mitigated. Sections V and VI list conditions and best management practices that apply to all jurisdictional SB40 transportation projects and maintenance activities whether they require formal application or are covered under a programmatic certification. Section VII discusses post-project review procedures. Section VIII explains how these guidelines are related to the Colorado Wildlife Commission's "Mitigation Policy, Procedures and Guidelines" and DOW's permit summary entitled "Colorado Division of Wildlife SB40 Wildlife Certification." The definitions below may be helpful in interpreting these guidelines.

<u>Bank stabilization</u> – The placement of materials to reduce or prevent streambank failure or erosion.

<u>Channelization</u> – Any manipulation of a stream channel that increases the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening,

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armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the channel.

<u>Clean water diversion</u> – The temporary, physical diversion of all or part of stream flow outside the existing stream channel, or a similar diversion of the stream flow within the stream channel.

<u>Ephemeral stream</u> – A stream that has flowing water only during and a short time after precipitation events in a typical year. Groundwater is not a source of water for ephemeral streams.

<u>Fishing water</u> – A stream or waterway that supports any species of fish during all or part of the year.

<u>Important spawning areas</u> – Waterbodies identified as native fish and wild trout management waters by the Colorado Division of Wildlife.

<u>Intermittent stream</u> – A stream that has flowing water during certain times of the year when groundwater provides water for streamflow. During dry periods, intermittent streams may not have flowing water. Runoff is a supplemental source of water for intermittent streams.

Ordinary high water mark – The line on the bank established by the fluctuations of water and indicated by physical characteristics such as: 1) a clear, natural line impressed on the bank; 2) shelving; 3) changes in the character of the soil; 4) destruction of terrestrial vegetation; 5) the presence of litter and debris; or 6) other appropriate means that considers the characteristics of the surrounding areas.

<u>Practicable</u> – Available and capable of being done after taking into consideration cost, existing technology, and logistics, in light of overall project purposes.

<u>Project</u> – Any CDOT construction project or maintenance activity subject to this memorandum of agreement.

<u>Riparian</u> – Within the context of this programmatic agreement, "riparian" means that area adjacent to a stream that could reasonably be expected to contribute to the quality of the general stream habitat through shading, water quality filtering, contribution of food items for fish, and the contribution of organic matter for stream food chain support. This definition is not a comprehensive definition of riparian in the broadest sense of the term. This definition only applies to the lateral jurisdiction of S.B. 40.

<u>Stream encroachment</u> – Activities that change the stream cross-section or other aspects of stream channel geometry and thereby increase the rate of water flow through the channel, including channel narrowing, straightening, armoring, etc.

<u>Stream re-alignment</u> – The temporary or permanent relocation of a stream channel.

<u>Wetland</u> – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

II. JURISDICTION OF SB40

This section lists the criteria to be used in determining: 1) which streams fall under SB40 jurisdiction; and 2) how much of the stream and the adjacent area are covered.

A. Streams Under the Jurisdiction of SB40

A stream is considered to come under the jurisdiction of SB40 if it meets any one or more of the following four criteria:

- 1. All perennial streams represented by solid blue lines on U.S. Geological Survey 7.5' Quad maps.
- 2. Segments of ephemeral and intermittent streams providing live water beneficial to fish and wildlife.
- 3. Segments of streams at which 25 percent or more of the vegetation is comprised of riparian vegetation such as cottonwood, willow, alder, sedges, or other plants dependent on groundwater. Such segments shall be within 300 feet upstream or downstream of the project. The 300-foot distance shall be measured along the length of the stream.
- 4. Segments of streams having wetlands present within 600 feet upstream or downstream of the project. The 600-foot distance shall be measured along the length of the stream.

B. Extent of SB40 Jurisdiction on the Stream, Its Banks or Riparian Area

When a project or maintenance activity encroaches on a jurisdictional stream, the extent of the jurisdictional area covered under SB40 shall include the stream bed proper, its immediate banks, and as much of the bankside (riparian) areas as could reasonably be expected to contribute to the quality of the general stream habitat through shading, water quality filtering, contribution of food items for fish, and the contribution of organic matter for stream food chain support. The jurisdictional distance from the stream may vary with the type and size of the stream and its floodplain. Where determination of a jurisdictional line is uncertain, CDOT shall contact DOW.

III. PROCEDURES FOR REQUESTING SB40 CERTIFICATION

This section identifies the criteria to be used to determine when impacts from CDOT construction projects or maintenance activities will require application for SB40 Wildlife Certification, and describes the procedures to be followed in filing the application and issuing the certification.

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A. Application Criteria

An application for SB40 Wildlife Certification shall be submitted for projects that meet any one or more of the following criteria:

- 1. If stream-associated wetland acreage to be permanently filled at a single location is greater than 0.25 acre, or if more than 0.5 acre of riparian area is permanently impacted.
- 2. If wetland acreage to be temporarily filled at a single location is greater than 0.5 acre, or if more than 1.0 acre of riparian area is temporarily impacted.
- 3. If a project, such as highway corridor widening, results in any combination of temporary and permanent fill in stream-associated wetlands that is greater than 1.0 acre, or if the project results in more than 2.0 acres of combined temporary and permanent impacts to riparian areas.
- 4. If state or federally listed threatened, endangered, proposed, or candidate species may be impacted by a project, if Colorado state-listed species or state species of special concern may be impacted, or if the habitat of such species may be impacted (see www.dnr.state.co.us).
- 5. If Gold Medal fisheries or designated native fish and wild trout management waters may be impacted by a project. Information and updates on these special waters can be obtained from CDOW.
- 6. If a project on a fishing water would adversely affect a fish spawning area by obstructing fish movement or by substantially increasing siltation during the incubation period.
- 7. Any permanent stream re-alignment associated with a project.
- 8. Projects involving new stream crossings.
- 9. Projects involving replacement of existing structures over streams if the impacts extend 100 feet or more upstream and downstream of the project as measured along the length of the stream.
- 10. For any project or series of related projects resulting in bank stabilization or stream encroachment greater than 500 feet of stream length.

B. Application Procedures

Application for SB40 Wildlife Certification shall be made by the CDOT Region Planning and Environmental Manager (RPEM) using the appropriate DOW application form (see Attachment A to these guidelines). Application must be made at least 60 days prior to planned construction or maintenance activities to allow for DOW review of the submitted documents and for follow-on coordination, if required. DOW shall complete its review of the application within 30 days and issue SB40 Certification or request additional information or mitigation commitments. If

further coordination is required prior to certification, the DOW Regional Wildlife Manager and the CDOT RPEM shall make the necessary arrangements.

In order to facilitate project review and this certification process, DOW should consult CDOT's "Statewide Transportation Improvement Program" (STIP) on the department's web site, www.dot.state.co.us. The STIP is a six-year plan of roadway projects scheduled for construction. This affords DOW the opportunity to review all projects and comment on those with potential impacts of state waters. Please be aware that routine maintenance activities, including road repairs and resurfacing, are usually excluded from the STIP.

C. Emergency Situations – Exceptions to Application

Projects shall be exempt from the requirements of this agreement in emergency situations. "Emergency situation" refers to any situation that would result in unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken. Once the emergency has ended, CDOT and DOW personnel should consult regarding: 1) the impacts to the stream and riparian area of the activities conducted to address the emergency; and 2) what measures might be pursued to address any undesirable impacts from those activities.

IV. PROGRAMMATIC SB40 CERTIFICATION

CDOT projects that meet any one or more of the criteria listed under section IIIA of these guidelines shall apply for Formal SB 40 Certification under Section IIIB. All other projects remain under the jurisdiction of SB40, but are granted use of a Programmatic SB40 Certification.

Programmatic certification gives CDOT authority to proceed with a transportation project after notifying the appropriate DOW regional wildlife manager. Projects that qualify for programmatic certification are normally small construction projects or maintenance activities that have little or no impact on fish and wildlife or their habitats. The purpose of having a programmatic certification is to expedite the SB40 Wildlife Certification process and to eliminate unnecessary work. Any questions should be referred to the appropriate regional DOW office.

V. GENERAL CONDITIONS

Sections II and III provide guidance for determining when SB40 certification is necessary and when application should be made. This section lists general conditions, or best management practices, that apply to all jurisdictional SB 40 transportation projects whether those projects require formal or programmatic certification. These general conditions are designed to minimize or avoid potential negative impacts from CDOT projects in the vicinity of aquatic systems and riparian areas. Efforts to control erosion and to avoid impacts to aquatic resources and riparian areas, including wetlands, should be commensurate with the size of the project, site conditions, the quality of the natural resource, and the potential for off-site damage. The practices discussed below are intended to be in conformance with guidelines specified in the following CDOT

documents: Erosion Control and Stormwater Quality Guide; Standard Specifications for Road and Bridge Construction; Municipal Separate Storm Sewer System (MS-4) permit; and Drainage Design Manual.

- A. Temporary fills, such as coffer dams and temporary road crossings, using imported material shall utilize clean, chemically-free fill to avoid increasing suspended solids or pollution. Fill material shall not be obtained from the live water area in the stream unless approved by DOW.
- B. Discharge of water directly into the stream from coffer dams or new channel construction shall be in accordance with applicable Clean Water Act Section 401, 402, and 404 regulations and permits. In some instances, such water must be treated prior to discharge.
- C. All reasonable measures shall be taken to avoid excess application and introduction of chemicals into aquatic ecosystems and adjacent riparian areas, including wetlands. The use of chemicals such as soil stabilizers, dust palliatives, herbicides, sterilants, growth inhibitors, fertilizers, deicing salts, etc., during construction and maintenance operations shall be in accordance with the manufacturer's recommended application rates, frequency, and instructions. These chemicals shall not be used, stored, or stockpiled within 50 horizontal feet of the ordinary high water mark of any state waters, including wetlands, except when otherwise specified in the project contract.
- D. Construction staging areas, including construction and waste material, fill material, equipment, fuel, etc., shall be located outside of the area adjacent to streams, including wetlands and riparian areas. At a minimum, such staging areas and materials shall not be located within 50 horizontal feet of the ordinary high water mark of any watercourse. Equipment refueling and servicing shall occur only within approved designated areas.
- E. All equipment shall be free of noxious weed seed and reproductive vegetative plant parts prior to use of that equipment in aquatic ecosystems and riparian areas, including wetlands. Such equipment shall be maintained in good working order to avoid unnecessary discharge of harmful materials used in the operation of that equipment, including petroleum products, radiator fluid, hydraulic fluid, etc.
- F. No wet concrete from placement of forms, washing of trucks or equipment, or concrete saw water shall be allowed in aquatic ecosystems and riparian areas, including wetlands. Concrete washout activities may occur only within approved, designated areas.
- G. Erosion control is required on all projects. Projects with one acre or more of disturbed, erodible surface require a stormwater permit. Erosion control is particularly important around aquatic ecosystems and riparian areas, including wetlands, because of their sensitivity to sediments and pollution in roadway runoff. Temporary and permanent erosion and sediment control measures shall be installed at the earliest practicable time consistent with good construction practices. Such measures shall be properly monitored and maintained throughout the operation of the project.

- H. All practicable efforts shall be expended to avoid and minimize instream work. Where practical, equipment shall be operated from banks or shoulders above riparian and wetland areas. In those instances where instream work is required, such work shall be performed during low- or no-flow periods, and the use of heavy equipment in streambeds, especially in live or flowing water, shall be minimized. The equipment used shall be of such a type that will produce minimal environmental damage, including damage to the stream bottom. Except for authorized instream work, fording streams with equipment is limited to a maximum of four times per day. Whenever fording streams more than four times is necessary, a temporary bridge or structure shall be used.
- I. Under current CDOT policies, instream work is limited to specific periods in order to avoid disruption of fish migration and spawning seasons. Under certain circumstances, instream work during such periods may be allowed. Special construction techniques are required during such situations and shall be pursued in consultation with DOW staff. The timing of such activities shall be based on the species, elevation, and location of the project after consultation with DOW staff.
- J. During the planning and construction of a project, all practicable measures shall be taken to avoid disturbance to existing vegetation. The length of time that disturbed areas are left exposed shall be as short as practicable and the extent of such disturbed areas shall be as small as practicable. Limitations on the duration and extent of disturbed areas lessens the potential for erosion and runoff of sediments into adjacent areas. Sensitive areas shall be fenced as necessary. Particular attention shall be paid to protecting aquatic ecosystems, riparian areas, wetlands, and habitats for threatened and endangered species from such impacts and unnecessary disturbance. Once earthwork has begun on a section, it shall be pursued until complete. Within seven days, completed areas should be stabilized. In some situations, temporary stabilization may be appropriate.
- K. All disturbed areas above the ordinary high water mark shall be revegetated with appropriate native plant species to provide bank stabilization, erosion control, and habitat replacement. These activities shall be conducted according to specifications approved by the CDOT landscape architect. Temporary seeding shall be done where necessary and all practicable efforts shall be expended to control the spread of weeds. Only certified weed-free hay and straw shall be used.
- L. All practicable effort shall be expended to avoid unnecessary destruction of trees and shrubs in the vicinity of streams and in riparian areas. Trees removed should be considered for use onsite in a manner that improves riparian and instream habitat and for bank stabilization purposes. Trees removed during construction, whether native or non-native, shall be replaced with a goal of one-to-one replacement based on a stem count of all trees with diameter at breast height of 2 inches or greater. Shrubs removed during construction, whether native or non-native, shall be replaced based on their pre-construction areal coverage. In all cases, all such trees and shrubs shall be replaced with native species. Where lack of sufficient right-of-way space limits full replacement on site, consideration should be given to placement of the remaining stock in other areas that serve similar stream functions. Additional considerations should include the existence of appropriate growing conditions, consistency with existing natural conditions, what is best for the natural resource, and input from the CDOT landscape architect and staff biologist. Given

these site considerations, it may be appropriate to replace trees with shrubs under certain circumstances.

- M. All practicable efforts shall be expended to avoid and minimize impacts to streams, riparian areas, and wetlands. Because of their importance to wildlife and the environment, all practicable efforts shall be made to replace on site all wetlands and riparian areas impacted by the project. Project participants should be aware that, when Clean Water Act Section 404 permits are involved in SB 40 projects, conceptual plans may be adequate for initial permit approval. However, the U.S. Army Corps district will usually require more detailed, final plans as well.
- N. Riprap above the ordinary high water mark shall be covered with topsoil and revegetated as specified by the CDOT landscape architect. Areas under bridges do not need topsoil treatment. Where appropriate, streamside areas at the ordinary high water mark should be revegetated with brush layer cuttings of native riparian shrub species.
- O. Waste concrete may be acceptable for certain maintenance projects, but shall not be used to stabilize channel banks for new construction. Such material does not meet current CDOT specifications for riprap material and it may cause water quality problems. All concrete riprap shall be fully cured, free of protruding reinforcing materials, and imbedded into channel substrate as per standard engineering specifications. Broken concrete used below ordinary high water shall be no longer than 3.5 times the width of the piece. Preference shall be given to bioengineering solutions for stream stabilization projects and for improving stream and riparian habitat values. Use of such techniques, however, should be mindful that appropriate growing conditions exist. Bioengineering techniques, such as native riparian shrub plantings, are required for all bank protection activities that exceed 50 linear feet in important spawning areas.
- P. During project design and construction, consideration should be given to ways to improve instream habitat and riparian areas in the vicinity of such projects. Where necessary, appropriate instream structures shall be used to dissipate water velocity, reduce erosion, and improve fish habitat. DOW shall be consulted regarding the means and methods being considered to improve instream habitat and riparian areas.
- Q. Stream crossing structures shall not degrade the stream or fish habitat or block fish movement, including constricting stream flows that increase water velocities, nor shall such structures unnecessarily widen streams and thereby decrease water velocities and increase sediment deposition.
- R. Highway runoff shall be diverted away from the stream channel and associated wetlands to avoid siltation and other pollution problems. Such runoff shall be treated with the most appropriate temporary and permanent best management practices.
- S. When temporary crossing or work areas occur in wetlands and riparian areas, it may be possible to prepare the area such that construction impacts are limited and temporary. This is especially true of willow thickets. In such cases, the area is cut down to ground level, geotextile fabric is laid down and a layer of certified weed-free hay or straw is laid on top. Thereafter, a

layer of soil at least two feet thick is applied on which construction equipment can move. After construction is complete, the layer of dirt is removed until the layer of hay or straw is encountered. This layer signifies that the geotextile fabric layer is near and more careful excavation is necessary. Last, the layer of geotextile fabric is removed. Such areas should recover within one or two growing seasons. Note: this technique may not be appropriate for extremely wet areas or on soils with a high percentage of organic matter. All materials shall be removed from site once work is completed.

- T. In terms of mitigating unavoidable impacts to wetlands and riparian areas, restoration and creation of such areas should be conducted as close as practicable to the impact site in order to preserve the local functions and values of such areas. Consideration of the various mitigation options available should involve evaluation of what is best for the aquatic resource as a whole. Completion of the required mitigation should also occur as quickly as possible. Substantial delays in the replacement of wetlands may result in increased mitigation requirements.
- U. On projects involving SB 40 certification, consideration shall be given to eradication of state-designated noxious weeds in riparian environments. Under some circumstances, it may be possible to use such efforts as a mitigation option in areas where replacement of habitat is limited.

VI. SPECIAL CONDITIONS

This section lists special conditions that apply specifically to the four primary project activities in and adjacent to streams – structural crossings, bank stabilization, stream encroachment, and channel re-alignment. These special conditions are to be used in conjunction with the general conditions in section V. Like the general conditions, these special conditions apply to all jurisdictional SB40 transportation projects whether those projects require formal or programmatic certification.

A. Structural Crossings

- 1. As practicable, stream profile, substrate and habitat values shall be restored to a condition similar to or better than pre-project conditions. During project design and construction, consideration should be given to ways to improve instream habitat and riparian areas in the vicinity of such projects. Where necessary, appropriate instream structures shall be used to dissipate water velocity, reduce erosion, and improve fish habitat. DOW shall be consulted regarding the means and methods used to improve instream habitat and riparian areas.
- 2. Water diversions shall be minimized. Only when necessary, clean water diversion techniques shall be used to divert water around or to pipe water through the active construction site to minimize water quality contamination, siltation, and sedimentation.
- 3. Unless otherwise stipulated, temporary or permanent culverts shall be imbedded and backfilled 12 inches into the channel substrate.

B. Bank Stabilization

- 1. Where practicable, preference shall be given to bioengineering techniques for bank stabilization and similar activities. Bioengineering techniques, such as native riparian shrub planting, are required for all bank protection activities that exceed 50 linear feet in important spawning areas.
- 2. Riprap materials used below ordinary high water shall be durable angular rock free of organic material, pollution, and erodible material such as dirt and gravel. Rounded river cobble or stone is not acceptable as riprap.
- 3. In streams with less than 20 feet average width at ordinary high water mark (OHWM), no more than ½ cubic yard of material per linear foot may be placed below the plane of the OHWM. This requirement is based on Section 404 regional conditions for Colorado. Placement of materials in excess of these limits requires notification of the U.S. Army Corps district office.
- 4. Use of gabions is discouraged except where no other practicable solution exists to address the problem. If gabions are used in bank stabilization, the gabion shall be clean, durable rock material free of organic matter, sand, dirt, and gravel. River cobble is an acceptable material for filler provided it is large enough to stay within the mesh.
- 5. Waste concrete does not meet current CDOT specifications for riprap material and it may cause water quality problems. However, waste concrete may be acceptable for bank stabilization under certain circumstances. Waste concrete used as riprap shall be fully cured, free of protruding reinforcing materials, and imbedded into channel substrate as per standard engineering specifications. Broken concrete used below ordinary high water shall be no longer than 3.5 times the width of the piece.

C. Channel Re-Alignment

- 1. Stream profiles, substrate and aquatic habitat values shall be restored equal to or better than pre-construction conditions as practicable. All practicable efforts shall be expended to maintain the existing stream length and width and to establish a low-flow channel in the realigned stream channel.
- 2. Existing or comparable stream bottom material shall be used in the re-aligned stream channel. However, such material shall not be obtained from the live water area in the stream unless approved by DOW.
- 3. When practicable, a reasonable vegetated buffer area shall be maintained between the stream and the highway.
- 4. During project design and construction, consideration should be given to ways to improve instream habitat and riparian areas in the vicinity of such projects. Where necessary, appropriate instream structures shall be used to dissipate water velocity, reduce erosion, and improve fish

habitat. DOW shall be consulted regarding the means and methods used to improve instream habitat and riparian areas.

D. General Procedures under Special Conditions

The following are general procedures to be used during the four primary construction activities discussed above.

- 1. Water shall be diverted around or piped through the active construction site to minimize water quality contamination, siltation, and sedimentation. These are commonly referred to as clean water diversions. Design and use of such diversions shall be mindful of fish movement requirements.
- 2. Where possible, all work shall be done from above, not in the stream.
- 3. In clearing trees and shrubs to facilitate work in riparian areas and associated wetlands, plants shall be trimmed above the ground without removing the root mass.
- 4. All temporary fill shall be removed to an upland site upon completion of wetland or instream construction activities unless otherwise agreed upon by CDOT, the U.S. Army Corps, and DOW. Such fill material should be stabilized and revegetated at its upland site.
- 5. When temporary crossing or work areas occur in wetlands and riparian areas, the techniques used shall follow those discussed for temporary work areas in General Condition (S).
- 6. All practicable efforts shall be expended to avoid channelization of streams. In situations where channelization is unavoidable, consideration shall be given to installation of in-stream energy-dissipating and grade control structures.

VII. SB 40 FIELD REVIEWS

On CDOT projects involving SB 40 certifications, the appropriate headquarter or region environmental staff shall notify the appropriate staff at DOW when the region is scheduled to conduct a region erosion control advisory team (RECAT) inspection of the project. This inspection provides an opportunity to review SB 40-related issues.

VIII. CONCLUSION

These guidelines are derived from the Colorado Wildlife Commission's Policy, Procedures and Guidelines that were adopted March 12, 1987. They are specifically related to DOW's permit summary entitled "Colorado Division of Wildlife SB40 Wildlife Certification" that was approved July 14, 1989. The permit summary provides information on SB40 Wildlife Certification and describes DOW's procedures in implementing SB40. The policy and permit summary should be reviewed before mitigation of fish and wildlife losses is recommended for transportation projects.

The conditions listed in sections V and VI are practices intended to help mitigate the impacts of transportation projects on fish and wildlife. They apply to all projects under SB40 jurisdiction whether certified through application or under a programmatic clearance. If CDOT has any questions about DOW's mitigation policy or how these guidelines relate to that policy they should contact the appropriate regional DOW office.

These guidelines shall become effective when approved by the Director, Colorado Division of Wildlife, and the Chief Engineer, Colorado Department Transportation, and following the execution of a Memorandum of Agreement (MOA) regarding Senate Bill 40 Certification between the Departments of Natural Resources and Transportation. Changes to the guidelines may be approved by the signatories below or their designated representatives provided the terms and conditions of the MOA are upheld.

COLORADO DIVISION OF WILDLIFE	COLORADO DEPARTMENT OF TRANSPORTATION
By:	By:
Director	Chief Engineer
Date:	Date: